

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION

RECD cbb
~~2006~~

CIVIL NO. 5:06CV25-V

UNITED STATES OF AMERICA,)
vs.)
Plaintiff,)
vs.)
\$11,500 IN UNITED STATES CURRENCY)
SEIZED ON SEPTEMBER 20, 2005, IN)
IREDELL COUNTY, NORTH CAROLINA,)
Defendant.)

CONSENT JUDGMENT **FILED**
STATESVILLE, N.C.

DEC 13 2006

U.S. DISTRICT COURT
W. DIST. OF NC

WHEREAS, the United States filed a verified complaint on February 10, 2006, for the forfeiture of the defendant property, and this Court found probable cause for forfeiture and issued a warrant for arrest in rem; and,

WHEREAS, on March 3, 2006, in connection with issuing the warrant for arrest in rem, based on an affidavit submitted by Special Agent Joseph B. Barringer of DHS-ICE, the Honorable David Keesler, United States Magistrate Judge, found probable cause for forfeiture of the defendant property; and,

WHEREAS, the Department of Homeland Security has duly executed the warrant for arrest in rem and published notice on October 5, 2006, with regard to the defendant property; and,

WHEREAS, claimant has filed a claim and an answer in this case and hereby states that he is the sole owner of the defendant property, and no other person has filed a claim or an answer within the time permitted by Rule C(6) of the Supplemental Rules for Certain Admiralty and Maritime Claims; and,

WHEREAS, claimant stipulates that there is probable cause for forfeiture of the defendant property and that the United States District Court for the Western District of North Carolina has in rem jurisdiction over the defendant property; and,

WHEREAS, the parties have agreed to settle this case as follows: (1) the United States shall pay 60% of the defendant property, or \$6900, to claimant; and (2) the remaining 40% of the defendant property, or \$4600, shall be forfeited to the United States; and,

WHEREAS, claimant hereby releases and forever discharges the United States, its agents, servants and employees, its successors or assigns, and all state or local governmental entities or law enforcement agencies in North Carolina and their agents, servants and employees, their heirs, successors, or assigns, from any and all actions, causes of action, suits, proceedings, debts, dues, contracts, judgments, damages, claims, and/or demands whatsoever in law or equity which claimant or his heirs, successors, or assigns ever had, now have, or may have in the future in connection with this investigation, seizure, detention, and forfeiture; and,

WHEREAS, the parties consent to the United States Magistrate Judge conducting all proceedings, including entry of this Consent Judgment, pursuant to 28 U.S.C. §636(c);

THE COURT FINDS THAT:

1. A verified complaint for forfeiture in rem of the defendant property was filed on February 10, 2006. This Court found probable cause for forfeiture and issued a warrant for arrest in rem.
2. Process was fully issued in this action and returned according to law.
3. The parties have agreed to settlement of this case as provided above.
4. The actions taken by the United States were reasonable and proper.

Based on the foregoing findings, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:

1. The United States shall pay \$6900 of the defendant property to claimant.
2. The remaining \$4600 of the defendant property is forfeited to the United States, for disposition according to law.

3. Each party is to bear its own costs of this action, including attorneys fees.

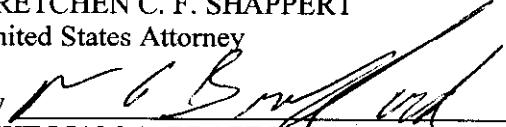
Signed this the 11th day of December, 2006.


UNITED STATES _____ JUDGE

ON MOTION OF AND WITH CONSENT OF THE PARTIES:

FOR THE UNITED STATES OF AMERICA:

GRETCHEN C. F. SHAPPERT
United States Attorney

By 
WILLIAM A. BRAFFORD
Assistant United States Attorney

Marta del Carmen Berza Garcia
as Attorney in fact for Juvenal Santibanez-Burgos
Date: 8/31/06
JUVENTAL SANTIBANEZ-BURGOS *Burgos*


DEKE FALLS
Attorney for Juvenal Santibanez-Burgos

Date: 8/31/06

DURABLE POWER OF ATTORNEY

Notice: THE POWERS GRANTED BY THIS DOCUMENT ARE BROAD AND SWEEPING. THEY ARE DEFINED IN CHAPTER 32A OF THE N.C. GENERAL STATUTES WHICH EXPRESSLY PERMITS THE USE OF ANY OTHER FORM OF POWER OF ATTORNEY DESIRED BY THE PARTIES CONCERNED.

I, Juvenal Santibanez-Burgos, the undersigned Principal, do hereby constitute and appoint Maria del Carmen Beiza-Garcia to be my Attorney-in-Fact, to act in my name in any way which I could act for myself, with respect to the following matters, as each of them is defined in Chapter 32A of the N.C. General Statutes, which matters I hereby incorporate by reference to said statutes the same as if set out fully herein and the powers therein set forth I hereby grant unto my said Attorney-in-Fact by reference to said statutes:

- (1) Real property transactions
- (2) Personal property transactions
- (3) Bond, share, stock, securities and commodity transactions
- (4) Banking transactions
- (5) Safe deposits
- (6) Business operating transactions
- (7) Insurance transactions
- (8) Estate transactions
- (9) Personal relationships and affairs
- (10) Social security
- (11) Benefits from military service
- (12) Tax matters
- (13) Employment of agents
- (14) Gifts to charities, and to individuals other than the Attorney-in-Fact
- (15) Gifts to the named Attorney-in-fact

WITHOUT IN ANY WAY LIMITING THE BROAD AND SWEEPING GRANT OF POWERS TO MY ATTORNEY-IN-FACT BY THE FOREGOING INCORPORATION BY REFERENCE TO CHAPTER 32A OF THE N.C. GENERAL STATUTES, I HEREBY GRANT SPECIFIC AUTHORITY AND POWER UNTO MY ATTORNEY-IN-FACT WITH REGARDS TO THE FOLLOWING:

- (1) To exercise any and all rights I may have in and to any account or accounts in any bank of financial institution regardless of whether the account is owned solely by me or jointly owned with some other person.

(2) To deal with any tax agency or department on tangible property owned by me solely or jointly owned with some other person. (including real property and motor vehicles owned by me)

~~This power terminates only upon my release from custody of the United States Marshal J.S.B Service.~~

Juvenal Santibanez Burgos
JUVENAL SANTIBANEZ-BURGOS

7-24-06

Date

Sworn to and subscribed before me
this the 24th day of July, 2006.

Jenny Hontan
Notary Public
My commission expires: July 18, 2009

PREPARATION STATEMENT

This document was prepared by the following individual:

R. Deke Falls
[Typed or Printed Name]

R. Deke Falls
[Signature]

Barnett & Falls, P.A
130-C N. McDowell St.
Charlotte, NC 28204

RETURN TO

Maria del Carmen Beiza-Garcia
120 BentBrooke Drive
Statesville, NC 28677
(704) 883-9598

MECKLENBURG CO REG OF DEEDS
720 EAST FOURTH STREET
CHARLOTTE, NC 28202
(704)336-2443

ISSUED TO: BARNETT & FALLS

RECEIPT # 1025538
DATE 09/01/2006

TIME	BOOK	PAGE	FEE
10:02 AM	20997	139	2006181503
POWER OF ATTORNEY			20.00
10:02 AM	20997	143	2006181504
POWER OF ATTORNEY			32.00

=====

Total Amount Due \$52.00

CHECK 3360 52.00

=====

Total Payments: \$52.00

THANK YOU
JUDITH A. GIBSON
REGISTER OF DEEDS
Deputy: PHETSL